

REMARKS

Claims 1 and 3-17 are all the claims pending in the application.

Claims 1, 3-12 and 14-17 are rejected.

The indicated allowability of claims 2 and 14-17 are withdrawn in view the rejections based on U.S. Patent No. 6,831,409 to Yamada.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Yamada.

Claims 3-5, 10, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of U.S. Patent No. 6,828,042 to Imanishi of record.

Claims 6-9, 11, 12 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,831,409 to Yamada in view Imanishi further in view of U.S. Patent No. 6,507,379 to Yokoyama of record.

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Rejection of claim 1 under section 102(e) based on Yamada

Claim 1 specifically requires that $B_0 < B_\theta$, in which, B_0 is a frontal luminance value of luminescence radiated from a light extraction surface, and B_θ is a luminance value of the luminescence at an angle of from 50° to 70°. In rejecting claim 1, the Examiner incorrectly notes that Figs. 7 and 8 of Yamada and the accompanying disclosure discloses that $B_0 < B_\theta$.

The Applicants respectfully submit that Yamada does not disclose (or suggest) the above feature. Essentially, Figs. 7 and 8 of Yamada provide a graph of varying intensities with respect to wavelengths for several angles of views namely 0°, 30° and 60°. Importantly, in these graphs,

there is no indication of total luminance. In fact, for wavelengths above 500 nm in fact the intensity for 0 degrees appear to be higher than for 60 degrees. In short, Yamada does not explicitly (nor inherently) disclose the feature related to the relationships of the intensity, namely $B_0 < B_\theta$. Claim 1 should be allowable at least for the above reasons.

Further, the Examiner contends that the structure disclosed in Yamada also satisfies the relation $(0.3/n)\lambda < d < (0.5/n)\lambda$. In making this assertion, the Examiner notes that the layers 13a, 13b and 12c are set to 50nm. However, the Examiner does not provide any grounds or reasons to set thickness of each of the layers 13a, 13b and 13c to 50 nm.

Rejection of claims 3-5, 10, 14 and 16 based on Yamada and Imanishi

Claims 3-5, 10, 14 and 16 are dependent on claim 1, and therefore, are allowable at least for the above discussed reasons. Further, as admitted by the Examiner in the Office Action dated January 11, 2005, in relation to the presently canceled claim 2, Imanishi does not disclose (or suggest) the above discussed feature related to the relation $(0.3/n)\lambda < d < (0.5/n)\lambda$. Still further, Imanishi does not suggest the claimed relationship between B_0 and B_θ .

Rejection of claims 6-9, 11, 12, 15 and 17 based on Yamada, Imanishi and Yokoyama

Claims 3-5, 10, 14 and 16 are dependent on claim 1, and therefore, are allowable at least for the above discussed reasons. Further, as admitted by the Examiner in the Office Action dated January 11, 2005, in relation to the presently canceled claim 2, Yokoyama does not disclose (or suggest) the above discussed feature related to the relation $(0.3/n)\lambda < d < (0.5/n)\lambda$.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Patent Application No.: 10/721,269

Attorney Docket No.: Q78680

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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